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**Patent and Trademark Office**

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DN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/245,894 02/08/99 GALET

A P17485

007055  
GREENBLUM & BERNSTEIN  
1941 ROLAND CLARKE PLACE  
RESTON VA 20191

QM32/0229

EXAMINER

NEAS, M

ART UNIT

PAPER NUMBER

3741

6

DATE MAILED:

02/29/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/245,894**

Applicant(s)

**Galet**

Examiner

**Michael A. Neas**

Group Art Unit

**3741**



☒ Responsive to communication(s) filed on Feb 8, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 5, 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the recitation "each said pulley device" is confusing because it implies that multiple pulley devices are present when only a single pulley device has been introduced in claim

1. In claim 9, "said automatic buckle" lacks antecedent basis. Also in claim 9, the phrase "more particularly" is indefinite because it does not specifically define the scope of the claim.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dye et al.

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Dye et al discloses the invention as claimed. Dye et al teaches a protective helmet 13 including a holding and positioning means as shown in Figure 5. The holding and positioning means includes a plurality of flexible straps 30,31 and a plurality of pulley devices 32,34. The holding and positioning means includes a chin strap which is formed by a front strap 30 and a rear strap 31 joining one another in a middle portion. As shown in Figure 4, the front strap includes a left and right portion and the rear strap includes a left and right portion. Each left portion is joined at a point of convergence and each right portion is joined at a point of convergence and the points of convergence are attached to one another by buckle 29. The pulley devices 32,34 adjust the effective length of each of the straps 30,31.

4. Claims 1-3, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Casale.

Casale discloses the invention as claimed. Casale teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13,17 and a pulley mechanism 7. The holding and positioning arrangement further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. With regard to claim 7, pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of the rear strap.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casale.

Casale discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious to one of ordinary skill in the art to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

***Allowable Subject Matter***

7. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The rejections based on Casale may be overcome by perfecting applicant's claim for foreign priority under 35 USC 119. See MPEP 706.02(b).

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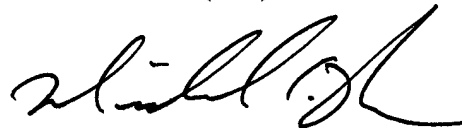
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Neas whose telephone number is (703) 308-0954. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for this Group is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



**Michael A. Neas  
Primary Examiner  
Art Unit 3741**

man  
February 22, 2000